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MAILED

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OFFICE OF PETITIONS

In re Application of :
Mitchell R. Swartz :
Application No. 09/750,480 :
Filed: December 28, 2000 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition filed October 7, 2011 and again on October 11, 2011, requesting that the Director of the USPTO review the Office of Petitions decision dated December 6, 2011 denying the Petition under 37 CFR 1.181 to revive the above identified application.

The petition is **DENIED**.

The issue of reviving the above identified application was fully and finally treated in the decision of December 6, 2010. The decision clearly stated that it was a final agency decision within the meaning of 5 USC 704 which states:

§ Section 704. - Actions reviewable

Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsideration, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority

Therefore, the instant petition will not be considered on the merits and is **denied**.

Andrew Hirshfeld
Associate Commissioner
For Patent Examination Policy